

Gunning for the courts  
Balint Vazsonyi

Not surprisingly, the U.S. 9th Circuit Court of Appeals in San Francisco upheld the ban on semiautomatic weapons in California. Not surprisingly, Judge Stephen Reinhardt wrote the opinion. So why even bother to comment about it?

Because every time Judge Reinhardt puts pen to paper, he aims to dismantle the very Constitution that gives him the power to put pen to paper.

In my book, "America's Thirty Years War," I presented a detailed analysis of Judge Reinhardt's incompatibility with the American model. The basis for the analysis was a speech the judge had delivered before law students at George Washington University in our nation's capital.

With disarming sincerity, he described himself as a liberal judge. "How can you tell a judge is a liberal?" Judge Reinhardt asked. "It's not that hard. Liberal judges believe in a generous or expansive interpretation of the Bill of Rights. We believe that the meaning of the Constitution was not frozen in 1789. That, as society develops and evolves, its understanding of constitutional principles also grows. We believe that the Founding Fathers used broad general principles to describe our rights because they were determined not to erect, enact a narrow, rigid code that would bind and limit all future generations."

Translation: The law is what my political agenda calls for.

Fact: The Founding Fathers didn't use broad general principles. They wrote a Constitution of laws. In the first 10 Amendments, they specified rights. Judge Reinhardt's description of rights, as reproduced in some details in said book, reveals either that he has not the slightest idea of what rights are, or that he has taken it upon himself to redefine the concept of rights as well as the U.S. Constitution.

All this is of renewed importance because the Second Amendment is becoming the subject of broad debate. The matter of rights is paramount because the 9th Circuit, and many others, speak of a "collective right" — meaning that the bearing of arms must connect to a state militia — as opposed to being an individual right.

Please write the following over your bed, desk, and dining table: "All rights under the U.S. Constitution are vested in individuals." There are no collective or group rights, except in the afflicted minds of the 60s people.

But now we come to the heart of the matter. All of us are appalled by the increased wanton violence in our society. All of us wish for some remedy, or at least relief from the terrible scene were served up on television.

The reason we cannot look to a repeal of the Second Amendment, or even to a rewrite of some sort, is simple. This republic was born out of the conviction "that whenever any form of government becomes destructive of these ends (life, liberty, and the pursuit of happiness), it is the right of the people to alter or to abolish it, and to institute new government."

The first act of this new republic was to abolish the existing government with the extensive use of arms.

Nations in their moments of the most dire needs have looked across the waters to the fortunate Americans, wishing they had the arms to become masters of their fate.

Very little in the U.S. Constitution grows as directly out of the core statements of the Declaration of Independence as does the Second Amendment. Repeal it, subdue it, and you have undone what the people to whom we owe everything died for.

We have been very fortunate most of the time. As yet, our system works. Stephen Reinhardt can write all the opinions he wants. While others are overturned, Mr. Reinhardt's opinions are generally dismissed by the Supreme Court, not even dignified with an explanation.

But there could be a time when the Reinhardts of this world — and since the 1960s their numbers have grown steadily — would acquire physical power. Heaven forbid, but the citizenry may find itself with a government that moves the people "to alter or to abolish it, and to institute new Government." As in 1776, that may be possible only with the use of firearms.

Yes, but why does anyone need semiautomatic, so-called assault weapons? Perhaps no one needs them. Yet the history of smoking teaches us a bitter lesson. Where the enemies of freedom mean business, give them the tiniest opening, and they will rule the field in no time.

Make no mistake. Smoking was not about health. It was about freedom. Gun control is not about protecting

schoolchildren. It's about transforming this republic into a country like all others, where only the government possesses weapons.

And once that happens, the judge's robe can turn into a military uniform at the drop of a hat.

As indeed it came to pass countless times in countries we call civilized.

Balint Vazsonyi, concert pianist and director of the Center for the American Founding, is a columnist for The Washington Times and is nationally syndicated.

<http://www.washtimes.com/commentary/20021210-16842986.htm>